

NEBRASKA BOARD OF PHARMACY
MEETING MINUTES
March 20, 2017

ROLL CALL

Kenneth Saunders, R.P., Chair, called the meeting of the Board of Pharmacy to order at 9:00 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27th Street, Lincoln, Nebraska. The agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Kenneth Saunders, R.P., Chair
Sabrina Beck, R.P.; Vice-Chair
Charlene Dunbar; Secretary
Margaret Kucera, R.P.
Patricia Gollner, R.P.

A quorum was present and the meeting convened.

Also present were: Mike Rueb, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Jennifer King, R.P., Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Teresa Hampton, Department Legal; Mindy Lester, Assistant Attorney General; Jeff Newman, Investigator; Carla Cue, Investigator; Mark Meyerson, Investigator; and Dennis Scott, Program Manager.

Saunders announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

REVIEW OF AGENDA

Adoption of Agenda

Gollner moved, seconded by Kucera, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Mayra Rivera – Pharmacy Technician application
Heisel Diaz – Pharmacy Technician application
CAPWN Health Center – Pharmaceutical Care Agreement

Adoption of Consent Agenda

Gollner moved, seconded by Beck, to approve the consent agenda as amended. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION

Gollner moved, seconded by Dunbar, to close the session at 9:05 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

Gollner moved, seconded by Beck, to open the session at 9:07 a.m. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

COMMENTS ON PDMP PROGRESS

Kevin Borchert, R. P., and member of the Board of Health, briefly visited the Board of Pharmacy. The Board asked that he provide a brief update related to the Nebraska Health Information Initiative (NeHii). Mr. Borchert explained that almost all Nebraska pharmacies/dispensers are registered and online. As of February 28, 2017, the PDMP contains 497,000 prescriptions and 137,000 patients. There are a small number of Nebraska pharmacies who have not reported to the PDMP. They are currently working with the software vendor regarding technical issues. The PDMP is focusing on registering mail service pharmacies so these pharmacies may enter prescriptions issued to patients in Nebraska. Dr. Borchert emphasized that all dispensed prescriptions will be required to be entered in the PDMP by January 2018. Additional plans include capturing information regarding high risk patients, based on CDC guidelines, such as the combination of opioids and benzo products. The program is waiting for approval for some enhancement funding.

The Board thanked Dr. Borchert for the update.

Gollner moved, seconded by Kucera, to close the session at 9:16 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

Hampton left the meeting at 9:35 a.m.
Hampton returned to the meeting at 10:20 a.m.

Gollner moved, seconded by Beck, to open the session at 11:30 a.m. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: none. Motion carried.

APPROVAL OF MINUTES

January 30, 2017

Page 1: Under "Also present were:" line 2, add the periods to the R.P. behind Jennifer King's name.
Page 2: No changes.
Page 3: No changes.
Page 4: No changes.
Page 5: Under ELECTION OF OFFICERS, line 1, change the word "Moved" to "moved".

Kucera moved, seconded by Beck, to approve the January 30, 2017 minutes as corrected. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

January 30, 2017 – Strategic Planning

Page 1: Under "Also present were:" line 2, add the periods to the R.P. behind Jennifer King's name.
Page 2: No changes.

Beck moved, seconded by Kucera, to approve the January 30, 2017 – Strategic Planning minutes as corrected. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

January 31, 2017 – Strategic Planning

Page 1: Under OVERVIEW OF THE DAY, line 4, change the word "insure" to "ensure".
Page 2: No changes.

Dunbar moved, seconded by Beck, to approve the January 31, 2017 – Strategic Planning minutes as corrected. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Pharmacy Technician Application(s) (3) - CONSENT

Gollner moved, seconded by Kucera, to recommend denying the pharmacy technician registration of Mayra Rivera. The basis of the denial is that she does not meet the minimum educational requirement of having a high school diploma or equivalent as determined by the Nebraska Department of Education. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

Gollner moved, seconded by Dunbar, to recommend issuing a pharmacy technician registration to Heisel Diaz. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

E-Mail Ballot(s) Since the Last Meeting

Since their last meeting, the Board voted via e-mail ballot to issue a pharmacy technician registration to Kasey Kleffman on February 21, 2017.

REVIEW OF PHARMACEUTICAL CARE AGREEMENT(S) (2) – CONSENT

Lester explained that the Board of Medicine and Surgery was concerned with the pharmaceutical care agreement submitted by CAPWN Health Center because it appears that pharmacists are allowed to diagnose, which is outside the scope of practice for a pharmacist. The Board of Pharmacy will send a letter to CAPWN requesting additional information such as a copy of the policies, procedures, and protocols associated with this pharmaceutical care agreement.

2017 LEGISLATION

Joni Cover, JD, Executive Director of the Nebraska Pharmacists Association (NPA), provided an update on the legislative bills of interest to the NPA.

LB18 - Change licensure and scope of practice for dental assistants and dental hygienists

Placed on final reading on March 14, 2017.

LB 88 - Provide for temporary credentials under the Uniform Credentialing Act for military spouses

This bill is still in committee.

LB 117 - Adopt the Investigational Drug Use Act

This bill is on general file with an amendment.

LB 166 - Change provisions of Uniform Controlled Substances Act and Pharmacy Practice Act

This bill was designated as a Speaker priority bill.

LB 167 - Include cannabidiol as a Schedule V controlled substance

This bill is on general file and Senators Kolterman and Chambers were added to bill.

LB 223 – Change provisions relating to prescription drug monitoring

Senator Howard made this a priority bill and a hearing will be held on March 23, 2017.

LB 391 - Provide requirements for use of injections and surgical procedures by optometrists

The NPA opposed this bill. This bill is currently still under committee review.

LB 481 - Provide for drug product selection for interchangeable biological products

This bill was designated as a Speaker priority bill.

LB 583 - Remove the authority of veterinarians to dispense controlled substances

This bill was withdrawn on January 24, 2017.

LB 586 - Change requirements for the prescription drug monitoring system

The NPA opposed this bill. This bill is still under committee review.

LB 622 - Adopt the Medical Cannabis Act

Senator Wishart made this a priority bill and an amendment was filed on March 13, 2017.

LB 642 - Delay prescription drug monitoring requirements for veterinarians

This bill was withdrawn on January 24, 2017.

Ms. Cover mentioned additional bills that the NPA has been watching such as:

LB 324 – Adopt the Pharmacy Benefit Fairness and Transparency Act is still under committee review.

LB 296 – Change immunity provisions with respect to asthma and allergic reactions was made a Speaker priority bill on March 13, 2017.

LB 474 – Require insurance coverage for synchronizing prescription medications is still under committee review.

UPDATE ON REGULATIONS DEVELOPMENT

As noted previously, both 172 NAC 128 and 175 NAC 8 will be scheduled for an additional public hearing. The hearing summary was updated to reflect comments related to a hospital pharmacy. The revisions to the draft regulations, based on public comments, have been submitted to Department Legal. At the conclusion of that review, the draft regulations will be sent to the Governor's Policy and Research Office (GPRO) for review.

FOLLOW-UP ON BOARD STRATEGIC PLANNING MEETING

An overview of the strategic planning meeting was provided.

PDMP UPDATE

Staff provided an overview consistent with the report to the Board by Dr. Borchert earlier in the meeting.

NATIONAL ASSOCIATION OF BOARDS OF PHARMACIES (NABP)

Travel has been approved for the Board members that expressed interest in attending.

REQUEST FROM DISTRICT V

District V has requested at least one or more representatives from your board participate in a 7-member panel discussion format for each topic below. This year's meeting program will include the following five topics:

1. Update on Prescription Monitoring Programs
2. Pharmacy Inspections
3. Pharmacy Technicians
4. Pharmacy Technology
5. New Accreditation Standards for Colleges of Pharmacy

Board members volunteered to participate as follows: Prescription Monitoring Programs – Ken Saunders; Pharmacy Inspections – Charlene Dunbar; Pharmacy Technicians – Sabrina Beck; and Pharmacy Technology - Patricia Gollner. Additional information will be provided to the members who volunteered prior to the District V meeting.

REQUEST FOR ADDITIONAL INSPECTION

The Board discussed a letter from a Nebraska licensed pharmacy requesting an additional inspection. The additional inspection is needed in order to meet licensure requirements as a mail service pharmacy by another state. This pharmacy is current for Nebraska inspection requirements. However, the other state asked for a more current onsite inspection. Pharmacy inspection resources in Nebraska are dedicated to the protection of the public in this state, and not to meet requirements imposed by another state for services provided to citizens of that state. Other options available for the pharmacy include having a third-party perform an inspection, such as those available through the National Association of Board of Pharmacy (NABP). The upcoming national meeting of the Boards of Pharmacy provides an opportunity to discuss this topic. Ken Saunders, Nebraska's voting delegate, will ask other states to consider accepting the most recent inspection completed by the state where the pharmacy is physically located, similar to the practice established in Nebraska.

ADJOURNMENT

Gollner moved, seconded by Beck, to adjourn the meeting at 1:11 p.m. Voting aye: Beck, Dunbar, Gollner, Kucera, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Charlene Dunbar, Secretary
Board of Pharmacy